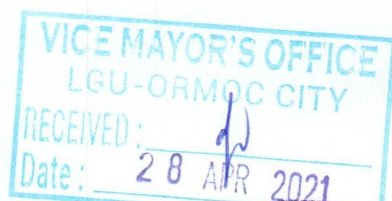
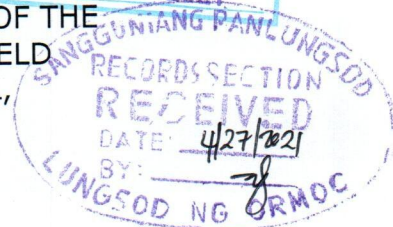


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON APRIL 27, 2021



PRESENT:

Leo Carmelo L. Locsin, Jr.
Roiland H. Villasencio,
Tomas R. Serafica,
Nolito M. Quilang,
Eusebio Gerardo S. Penserga,
Jasper M. Lucero,
Peter M. Rodriguez,
Vincent L. Rama,
Gregorio G. Yrastorza III,
Lalaine A. Marcos,
Esteban V. Laurente,

City Vice Mayor & Presiding Officer
SP Member
SP Member
SP Member
Majority Floor Leader, SP Member
SP Member
SP Member
SP Member
SP Member
SP Member

Joan Marbie C. Simbajon,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc
Ex-Officio SP Member, Chapter President,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON LEAVE:

Benjamin S. Pongos, Jr.,

SP Member

RESOLUTION NO. 2021-107

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
TREASURER DELIA A. VILBAR TO ENTER INTO A
COMPROMISE AGREEMENT WITH LEYTE V ELECTRIC
COOPERATIVE INC. (LEYECO V) RELATIVE TO CIVIL
CASE NO. R-ORM-08-00034-CV FOR TAX PROTEST
AND NULLITY OF TAX ASSESSMENT, PRESENTLY
PENDING WITH THE REGIONAL TRIAL COURT-
BRANCH 35 OF ORMOC CITY.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated April 15, 2021 from the Office of the City Mayor, endorsing a request for the issuance of a Resolution granting the City Treasurer Delia A. Vilbar to enter into a Compromise Agreement with Leyte V Electric Cooperative Inc. (LEYECO V) Relative to Civil Case No. R-ORM-08-00034-CV for Tax Protest and Nullity of Tax Assessment, presently pending with the Regional Trial Court-Branch 35 of Ormoc City. Further requesting that this matter be treated as EXTREMELY URGENT, a copy of the Compromise Agreement is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, the parties have agreed that it is to the best interest of the parties concerned that the present controversy be settled, and the parties have agreed to settle the case;

WHEREAS, LEYECO V hereby acknowledge that it is liable to pay franchise tax and has a pending obligation in favor of the City of Ormoc in the amount of One Million Three Hundred Seventy-Three Thousand Two Hundred Seventy-Two Philippine Pesos and 80/100 centavos (Php1,373,272.80);

WHEREAS, the amount refers to the surcharge and interest imposed as the principal obligation of the franchise tax of One Million Four Hundred Ninety-Nine Thousand Nine Hundred Ninety-Five Philippine Pesos and 52/100 centavos (PHP1,499,995.52) has already been paid;

WHEREAS, the parties have agreed that, instead of LEYECO V settling its monetary obligation in cash, the same shall cause the removal of its distribution line of not less than 109 poles along the streets and roads from Barangay Simangan to Barangay Milagro (Junction), not later than June 30, 2021, without cost to the LGU;

WHEREAS, the subject Compromise Agreement clearly and plainly encapsulates the terms and conditions of the agreement of the parties thereto, including their specific roles and obligations towards the attainment of the lofty ends of the same, and this Sanggunian, upon thorough review, finds that the same is entered into for the best interests of the City and its constituents, and therefore, is most deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on joint motion of SP Member Jasper M. Lucero., Chairman - Committee on Good Government and Oversight and SP Member Tomas R. Serafica, Chairman - Committee on Ways and Means, severally seconded by SP Members Peter M. Rodriguez, Gregorio G. Yrastorza III, Lalaine A. Marcos, Vincent L. Rama and Joan Marbie C. Simbajon; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION GRANTING AUTHORITY TO THE CITY TREASURER DELIA A. VILBAR TO ENTER INTO A COMPROMISE AGREEMENT WITH LEYTE V ELECTRIC COOPERATIVE INC. (LEYECO V) RELATIVE TO CIVIL CASE NO. R-ORM-08-00034-CV FOR TAX PROTEST AND NULLITY OF TAX ASSESSMENT, PRESENTLY PENDING WITH THE REGIONAL TRIAL COURT-BRANCH 35 OF ORMOC CITY;

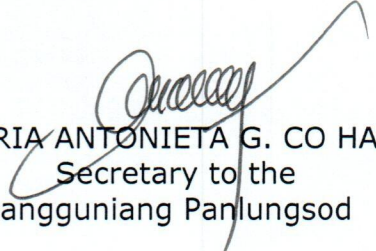
ADOPTED, April 27, 2021.

RESOLVED, FURTHER, that a copy of the final notarized Compromise Agreement be submitted to this Sanggunian for its information and files;

RESOLVED, FINALLY, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine Mejia-Romero; Office of the City Treasurer; LEYECO V; RTC - Branch 35; the City Local Government Operations Officer-DILG; and other offices concerned for their information and guidance;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

Res. # 2021-107

"Annex A"

Republic of the Philippines
REGIONAL TRIAL COURT
8th Judicial Region
Branch 12, Ormoc City

LEYTE V ELECTRIC COOPERATIVE
INC., (LEYECO V), represented by
General Manager, JOVENAL R.
ALESNA, Plaintiff,

-VERSUS-

CIVIL CASE NO. R-ORM-08-00034-CV
FOR: TAX PROTEST, NULLITY OF
ASSESSMENT

ANGELO I. ROMAN, in his capacity as
The City Treasurer of the City of
Ormoc

x-----x

COMPROMISE AGREEMENT

This AGREEMENT, made and entered into by and between:

LEYTE V ELECTRIC COOPERATIVE (LEYECO V), an electric cooperative duly organized and existing by virtue of the laws of the Republic of the Philippines, with principal business address at Brgy. San Pablo, Ormoc City and may served with summons and other court processes at such given address and, in this instance, is represented by its General Manager, Atty. Jannie Ann J. Dayandayan, herein referred as the PLAINTIFF; and

DELIA T. VILBAR, in his capacity as the City Treasurer of Ormoc City, of legal age, Filipino, married and with postal address at Ormoc City Hall, Ormoc City, hereinafter referred to as the RESPONDENT;

WITNESSETH:

That the parties hereby acknowledge the fact that they consider themselves as partners in the improvement and development of the City of Ormoc;

That the parties have agreed that it is to the best interest of the parties concerned that the present controversy be settled and the parties have agreed to settle this case under the following terms and condition, to wit:

- a. The plaintiff hereby acknowledge that is liable to pay franchise tax and has a pending obligation in favor of the City of Ormoc in the amount of ONE MILLION THREE HUNDRED SEVENTY THREE THOUSAND TWO HUNDRED SEVENTY TWO PESOS and 80/100 centavos (Php 1,373,272.80);
- b. The amount refers to the surcharge and interest imposed, as the principal obligation of the franchise tax of ONE MILLION FOUR HUNDRED NINETY NINE THOUSAND NINE HUNDRED NINETY FIVE PESOS and 52/100 centavos (Php 1,499,995.52) has already been paid;
- c. The respondent acknowledges that plaintiff is a non-stock and non-profit cooperative and its income is intended for its operation and delivery of services in its franchise area;
- d. The plaintiff acknowledges that one of the mandates of the respondent is to "exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities enumerated herein", which basic services and facilities include infrastructure facilities such as but no limited to roads;
- e. The parties agree that LEYECO V distribution line poles are currently situated along the streets and roads from Barangay Simandan to Barangay Milagro

- (Junction), the removal of which would cost _____ for the account of the respondent;
- f. These aspects being considered, the parties have agreed that, instead of plaintiff settling its monetary obligation in cash, plaintiff shall cause the removal of its distribution line poles (not less than one hundred nine (109) poles) along the streets and roads from Barangay Simangan to Barangay Milagro (Junction), not later than June 30, 2021, without cost to the respondent;
 - g. The agreement shall be submitted to the Sangguniang Panlungsod for its ratification and approval, if approved, the same shall be made an integral part of this agreement;
 - h. This agreement shall likewise be submitted for the consideration and approval of the Honorable Court;
 - i. The parties shall faithfully abide by the terms and conditions stipulated herein.

Should any stipulation herein declared null and void, other stipulations not contrary to law or public policy shall remain in full force and effect.

The terms and condition stated herein shall not be altered or modified without the consent of both parties.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this _____ at Ormoc City Philippines.

**LEYECO V ELECTRIC
COOPERATIVE (LEYECO V)**

DELIA A. VILBAR
Respondent

Represented by:

ATTY. JANNIE ANN J. DAYANDAYAN

Assisted by:
Atty. ARI G. LARRAZABAL
For Plaintiff

Atty. JOSEPHINE A. MEJIA-ROMERO
For the Respondent